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PATENT

Docket No. 435712000920

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231, on July 15, 2002.

Patricia Ellison

Patricia Ellison

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the patent of:

Christopher J. DANEK et al.

Patent No.: 6,411,852 B1

Issue Date: June 25, 2002

For: MODIFICATION OF AIRWAYS BY
APPLICATION OF ENERGY

REQUEST FOR CERTIFICATE OF CORRECTION
UNDER 37 C.F.R. § 1.322

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Enclosed is a proposed Certificate of Correction for the above-referenced patent. Because the mistake occurred in the printing of the patent, it is not believed that any fee is required. However, if this is not the case, the Assistant Commissioner is hereby authorized to charge the required fee to **Deposit Account 03-1952** referencing docket no. 435712000920.

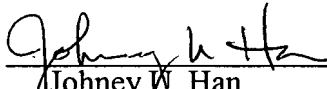
1. In the inventors, please add --Michael D. Laufer, Menlo Park, California--.

Support for this correction can be found in the Petition to Correct Inventorship Pursuant to 37 C.F.R. § 1.48(a) filed with the U.S. Patent and Trademark Office on March 23, 2000, a copy of which is attached including the date stamped receipt postcard.

Acceptance of this Certificate of Correction is respectfully requested.

Dated: July 15, 2002

Respectfully submitted,

By: 
John W. Han
Registration No. 45,565

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-5786
Facsimile: (650) 494-0792

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 6,411,852 B1

DATED : June 25, 2002

INVENTOR(S) Christopher J. DANEK et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

The pg, Item {75}
~~In~~ the inventors, please add --Michael D. Laufer, Menlo Park, California--.

MAILING ADDRESS OF SENDER

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, CA 94304-1018

PATENT NO. 6,411,852 B1

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I hereby certify that this correspondence is being electronically transmitted to the USPTO on the date shown below:

Date: September 19, 2002

Signature: *Quyen Nguyen*

(Quyen Nguyen)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 6,411,852
Issue Date: June 25, 2002
Application No.: 09/296,040
Filing Date: April 21, 1999
Confirmation No.: 7886
Inventor(s): Christopher J. DANEK et al.
Title: MODIFICATION OF AIRWAYS BY APPLICATION OF ENERGY

REQUEST FOR A CERTIFICATE OF CORRECTION UNDER 35 U.S.C. § 255

Commissioner for Patent
P.O. Box 1450
Alexandria, VA 22313-1450
Attention: Certificate of Corrections Branch

Sir:

Upon reviewing the above-captioned patent, Patentee requests a certificate of correction under 35 U.S.C. § 255 to correct the priority claim under 35 U.S.C. § 120. In particular, Patentee makes this request under MPEP 1481.03 II(A) to correct the failure to make reference to a prior copending application pursuant to 37 C.F.R. § 1.78(a)(2).

Patentee, with this correction, now makes reference to prior copending applications. In particular, the later-filed '852 patent is a continuation-in-part of application No. 08/994,064, filed on Dec. 19, 1997, now Pat. No. 6,083,255, continuation-in-part of application No. 09/224,937, filed on December 31, 1998, now Pat. No. 6,200,333, and a continuation-in-part of application No. 09/260,401, filed on Mar. 1, 1999, now Pat. No. 6,283,988, which is a continuation-in-part of application No. 09/003,750, filed on Jan. 7, 1998, now Pat. No. 5,972,026, which is a continuation-in-part of application No. 08/833,550, filed on Apr. 7, 1997, now Pat. No. 6,273,907. Under 35 USC § 120, 37 C.F.R. § 1.78(a)(1),

and MPEP 201.11, the conditions for receiving the benefit of priority have been fulfilled, as follows:

- There is co-pendency between the later-filed '852 patent and the prior-filed '255, '333, '988, '026, and '907 patents. The later-filed '852 patent was filed on April 21, 1999 and issued on June 25, 2002. The prior-filed '255 patent was filed on December 19, 1997 and issued on July 4, 2000. The prior-filed '333 patent was filed on December 31, 1998 and issued on March 13, 2001. The prior-filed '988 patent was filed on March 1, 1999 and issued on September 4, 2001. The prior-filed '026 patent was filed on January 7, 1998 and issued on October 26, 1999. The prior-filed '907 patent was filed on April 7, 1997 and issued on August 14, 2001.
- There is continuity of inventorship between the later-filed '852 patent and the prior-filed '255, '333, '988, '026, and '907 patents. Michael Laufer is the common inventor.
- There is continuity of disclosure between the later-filed '852 patent and the prior-filed '255, '333, '988, '026, and '907 patents. The prior '255, '333, '988, '026, and '907 patents name an inventor in common with the later-filed '852 patent and disclose the named inventor's invention claimed in at least one claim of the later-filed '852 patent according to the first paragraph of 35 U.S.C. § 112.
- Under 37 C.F.R. § 1.78(a)(2), the required period for making a claim for benefit is within the later of four months from the actual filing date or sixteen months from the filing date of the prior application. However, Patentee notes that the later-filed '852 patent was filed prior to November 29, 2000, and as such this time provision is inapplicable to the present '852 patent under 37 C.F.R. § 1.78(a)(2)(ii). Accordingly, Patentee believes a petition to accept an unintentionally delayed priority claim is not required.
- Patentee has amended the later-filed '852 patent so that it contains a reference to prior-filed '255, '333, '988, '026, and '907 patents pursuant to 37 C.F.R. § 1.78(a)(2)(i).

Transmitted herewith is a proposed Certificate of Correction. The corrections requested are as follows:

1. On page 1, in section (63), please replace:

"Continuation-in-part of application No. 09/095,323, filed on Jun. 10, 1998."

with:

-- Continuation-in-part of application No. 09/095,323, filed on Jun. 10, 1998, continuation-in-part of application No. 08/994,064, filed on Dec. 19, 1997, now Pat. No. 6,083,255, continuation-in-part of application No. 09/224,937, filed on December 31, 1998, now Pat. No. 6,200,333, and a continuation-in-part of application No. 09/260,401, filed on Mar. 1, 1999, now Pat. No. 6,283,988, which is a continuation-in-part of application No. 09/003,750, filed on Jan. 7, 1998, now Pat. No. 5,972,026, which is a continuation-in-part of application No. 08/833,550, filed on Apr. 7, 1997, now Pat. No. 6,273,907.--

2. On page 14, in column 1, lines 4-6, please replace:

"This is a Continuation-in-part application of U.S. application Ser. No. 09/095,323 filed Jun. 10, 1998, which is incorporated herein by reference in its entirety."

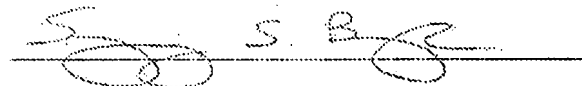
with:

-- This is a Continuation-in-part application of U.S. application Ser. No. 09/095,323 filed Jun. 10, 1998, which is incorporated herein by reference in its entirety, and is a Continuation-in-part application of U.S. application Ser. No. 08/994,064 filed Dec. 19, 1997, now U.S. Pat. No. 6,083,255, and is a Continuation-in-part application of U.S. application Ser. No. 09/224,937 filed December 31, 1998, now U.S. Pat. No. 6,200,333, and is a Continuation-in-part application of U.S. application Ser. No. 09/260,401 filed Mar. 1, 1999, now U.S. Pat. No. 6,283,988, which is a Continuation-in-part application of U.S. application Ser. No. 09/003,750 filed Jan. 7, 1998, now U.S. Pat. No. 5,972,026, which is a Continuation-in-part application of U.S. application Ser. No. 08/833,550 filed Apr. 7, 1997, now U.S. Pat. No. 6,273,907.--

Because the error occurred due to applicant's mistake, the required fee under 37 C.F.R. § 1.20(a) is transmitted herewith. Patentee respectfully requests granting of the requested Certificate of Correction.

If the Commissioner determines an additional fee is due, Patentee petitions for any required relief and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with this filing to Deposit Account No. 50-3973 referencing Attorney Docket No. ASTXNA00200.

Respectfully submitted,



Sanjay S. Bagade
Registration No. 42,280

Customer No. 65025
Levine Bagade Han LLP
2483 East Bayshore Road, Suite 100
Palo Alto, CA 94303
Direct: (650) 242-4212
Fax: (650) 284-2180

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 6,411,852

APPLICATION NO.: 09/296,040

ISSUE DATE : June 25, 2002

INVENTOR(S) : Christopher J. DANEK et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page, in section (63), please replace:

"Continuation-in-part of application No. 09/095,323, filed on Jun. 10, 1998." with:

-- Continuation-in-part of application No. 09/095,323, filed on Jun. 10, 1998, continuation-in-part of application No. 08/994,064, filed on Dec. 19, 1997, now Pat. No. 6,083,255, continuation-in-part of application No. 09/224,937, filed on December 31, 1998, now Pat. No. 6,200,333, and a continuation-in-part of application No. 09/260,401, filed on Mar. 1, 1999, now Pat. No. 6,283,988, which is a continuation-in-part of application No. 09/003,750, filed on Jan. 7, 1998, now Pat. No. 5,972,026, which is a continuation-in-part of application No. 08/833,550, filed on Apr. 7, 1997, now Pat. No. 6,273,907.--; and

In column 1, lines 4-6, please replace:

"This is a Continuation-in-part application of U.S. application Ser. No. 09/095,323 filed Jun. 10, 1998, which is incorporated herein by reference in its entirety." with:

-- This is a Continuation-in-part application of U.S. application Ser. No. 09/095,323 filed Jun. 10, 1998, which is incorporated herein by reference in its entirety, and is a Continuation-in-part application of U.S. application Ser. No. 08/994,064 filed Dec. 19, 1997, now U.S. Pat. No. 6,083,255, and is a Continuation-in-part application of U.S. application Ser. No. 09/224,937 filed December 31, 1998, now U.S. Pat. No. 6,200,333, and is a Continuation-in-part application of U.S. application Ser. No. 09/260,401 filed Mar. 1, 1999, now U.S. Pat. No. 6,283,988, which is a Continuation-in-part application of U.S. application Ser. No. 09/003,750 filed Jan. 7, 1998, now U.S. Pat. No. 5,972,026, which is a Continuation-in-part application of U.S. application Ser. No. 08/833,550 filed Apr. 7, 1997, now U.S. Pat. No. 6,273,907.--

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Levine Bagade Han LLP
2483 E. Bayshore Road, Suite 100
Palo Alto, CA 94303

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.